

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

NATHAN MAXWELL BENFORD,	)	
	)	
<i>Petitioner,</i>	)	
v.	)	Nos. 1:04-cv-120 / 1:98-cr-77-02
	)	<i>Edgar / Lee</i>
UNITED STATES OF AMERICA,	)	
	)	
<i>Respondent.</i>	)	

**MEMORANDUM AND ORDER**

Federal prisoner Nathan Maxwell Benford (“Benford”) moves *pro se* to vacate, set aside, or correct his judgment of conviction and sentence pursuant to 28 U.S.C. § 2255. This case was referred to United States Magistrate Judge Susan K. Lee under 28 U.S.C. § 636(b)(1)(B) for a report and recommendation. Magistrate Judge Lee filed her report and recommendation on February 7, 2006. [Court Doc. 7]. The parties have not timely filed any objections.

After reviewing the record, the Court hereby **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b). For the reasons expressed in the Magistrate Judge’s report and recommendation, Benford’s § 2255 motion shall be **DENIED and DISMISSED WITH PREJUDICE**. A separate judgment will enter.

SO ORDERED.

ENTER this *8th day of March, 2006*.

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*/s/ R. Allan Edgar*  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE